

**TESTIMONY BEFORE
THE SUBCOMMITTEE ON TELECOMMUNICATIONS AND
THE INTERNET
OF
THE COMMITTEE ON ENERGY AND COMMERCE**

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Chairman Upton and Members of the Subcommittee, thank you for inviting me today to testify on behalf of the American Library Association (ALA). I sincerely appreciate the opportunity to comment on H.R. 5319, the Deleting Online Predators Act (DOPA). ALA has three primary concerns about DOPA: 1) that the broad scope of this legislation will limit access to essential Interactive Web applications; 2) that the legislation would widen the digital divide by limiting access for people who use library and school computers as their primary conduits to the Internet; and 3) that education and parental involvement are and have always been the best tools to keep kids safe online and to ensure that they can make the right decisions.

I am the Executive Director of ALA's Young Adult Library Services Association (YALSA). The American Library Association is the oldest and largest library association in the world with some 65,000 members, primarily school, public, academic, and some special librarians, but also trustees, publishers, and friends of libraries. The Association's mission is to provide leadership

or the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

Before taking this position with ALA, I was a young adult services librarian and an instructor of future school library media specialists and youth librarians at West Virginia University. I can say with authority that no one is more concerned with the safety of children online than librarians – especially youth librarians.

Youth librarians believe, and more importantly know from experience, that education about safe Internet practices – for both youth *and* parents – is the best way to protect young people. We believe that the overly broad technological controls that would be required under DOPA are often ineffective given the fast-moving nature of modern technology. Further, such technological controls often inadvertently obstruct access to beneficial sites. In essence, we believe that this legislation will lead to the blocking of essential and beneficial Interactive Web applications and will further widen the digital divide.

The terminology used in DOPA is flawed.

It is very difficult to define many of the terms used in the debate over Internet usage. DOPA uses the term "social networking sites" in an overly-broad way to describe virtually all Interactive Web applications in which users converse or interact with each other. As it is currently written, the definition (even with the educational exemption) would include: educational tools used to provide distance education, community forums that allow children to discuss issues of importance, online email programs through which family members can

communicate with each other and with teachers and librarians at their local schools and libraries and even find one another in cases of emergency. There is enormous value to be found in these interactive online environments. Blocking access to them denies young people the opportunity to benefit from all the Internet has to offer while not necessarily ensuring kids' safety online. As written, HR 5319 is simply too broad and would block access to many valuable applications. We urge you to consider changes in the bill language.

There are many examples of online education applications that would be blocked under DOPA. One example reported in *Education Week* indicated that more than 10 million students were part of an online field trip to the Carlsbad Caverns National Park in Carlsbad, N.M. — without leaving their classrooms.

The April 25 field trip, coordinated by Ball State University in Muncie, Ind., was to consist of two live virtual tours of the cave featuring scientists, park guides, and First Lady Laura Bush. Students in grades 3-8 were invited to call in or e-mail questions to be answered on the air, or to participate in an online discussion during the 90-minute broadcasts. The organizers billed the event as the largest simultaneous visit ever to a national park. It was also described as the largest "electronic field trip" ever broadcast by BSU, which has organized more than 50 such trips since 1996.¹

Use of the site WebCT.com, an online education application, has helped thousands of people get their degrees through distance learning. WebCT is a site that allows users to enroll in and participate in classes online. It can also act as a forum for class discussions. Users create profiles

¹ Tonn, Jessica. "Expert Sees Need for School Staff To Access Social-Networking." *Education Week*. Vol. 25 Issue 33, p16.

and become students in a virtual classroom through online bulletin boards, real-time chat, student blogs, and more. In the rural areas of states like Texas, Wyoming, the Upper Peninsula of Michigan and West Virginia – where I worked, distance from major hubs once created an enormous barrier to learning.

Today, applications, like those available through WebCT, make it possible for young adults to complete degrees online at schools that are hundreds of miles away as well as access other non-credit courses for personal interests. It is our analysis that DOPA would make this type of distance learning impossible, since the bill requires that interactive applications, like courses available through WebCT, can only be used in libraries or schools if there is adult supervision. But what does “adult supervision” mean? Or how is “education” defined in the pertinent exemption? Is it formal for-credit only courses? And, why would we create barriers for young people who want to take advantage of online educational opportunities?

There are countless positive uses for networking applications that are not necessarily related to formal education. Networking applications include support groups for teenagers with physical or emotional disabilities, forums for the exchange of ideas, and even tools to help kids become acclimated to new surroundings. For example, when teenagers leave for college they often use networking sites to find other students with similar interests.

Finally, with specific regard to “social networking sites,” young adults all over the country have begun to use these sites as a primary means of communication, whether with their peers or with young adult authors, musicians, artists, and with libraries. Some libraries are taking advantage of

this by using some of these sites to stay in touch with their communities. For example, Sean Rapacki from the Wadsworth Public Library in Wadsworth, Ohio informed us that his staff has created a MySpace profile page FOR the library, allowing library staff to communicate with young adult patrons much more effectively.

DOPA ignores the value of Interactive Web applications.

Today's interactive online environment is an essential and growing part of economic, cultural, civic, and social life. New Internet-based applications for collaboration, business and learning are becoming increasingly important, and learning to use the online environment effectively and safely is now an essential component of education.

The popularity of interactive online environments is extending to the corporate world, as a number of businesses – including corporate leaders like Ernst & Young and IBM – are increasingly moving to the use of interactive Web applications as a primary mode of business communication. These companies recognize that technology can be an essential way to achieve a home/work balance and maximize efficiency.² As the corporate, professional, and civic use of interactive Web applications grows, there is an increasing need for today's young people to be prepared to thrive in a work atmosphere where meetings take place online, where e-business is a driving force behind the world economy, and where online networks are essential communication tools. This is exactly what kids must be ready for: a professional environment where only the web-savvy thrive.

² “Life Beyond Pay-Work-Life Balance,” *The Economist*, July 7, 2006.

The Internet is changing how we live, learn, work, and interact with one another. If today's young people are to succeed in the workplace of the future, they must learn information literacy skills for the technologies of today and tomorrow. Libraries are far and away the best places to learn these skills, and social networking sites, which *introduce* kids to the world of online interaction, are key to successful development in that field.

Education, not laws blocking access, is the key to safe use of the Internet.

Libraries and schools are the locations where students develop the information literacy skills that are vital to success in today's world. Information literacy includes "the abilities to recognize when information is needed and to locate, evaluate, effectively use, and communicate information in its various formats."³ These are skills that public librarians and school library media specialists are in a unique position to foster in young people. In today's world, information literacy skills go far beyond computer instruction and web searching. In a fully developed information literacy program, students learn how to find, evaluate, and use online information and also learn how to use critical thinking skills to make good choices online.

This type of information literacy instruction is going on in schools and libraries all across the country. Legislation like DOPA sends exactly the wrong message at the wrong time – instead of allowing librarians and teachers to instruct students about how to use all kinds of applications safely and effectively, it creates barriers to information literacy instruction. This flies in the face of hundreds of years of educational theory – why would you limit access to interactive Web applications in the one place where students can learn to use them safely?

³ *Information Literacy: Skills for the Information Age*. Westport: Libraries Unlimited. Page 5.

Fortunately, thousands of public and school libraries across the country, along with websites like Ms. Aftab's WiredKids.org, are doing an outstanding job in helping parents teach children how to use the Internet safely and responsibly. For example, Baltimore County Public Schools and the Baltimore County Public Library co-sponsored a *Family Guide to Child Safety on the Internet*, a valuable resource for helping parents teach their kids the do's and don'ts of web surfing.⁴

Local decision-making – not federal law – is the way to solve the problems addressed by DOPA.

As advocates for effective use of information, librarians and teachers are fully committed to helping young people have safe online experiences; furthermore, we teach young people the information literacy and critical thinking skills they need to use the Internet safely and effectively. We reach the goal of educating kids to safely use online tools with information literacy education programs as described above, and through locally-developed online safety policies, which in many cases include the use of technological barriers like filters. In other words, many of the problems that DOPA seeks to remedy are already addressed at the local level.

About 80% of all public library funding is local, library programs are developed to be responsive to local requests, and the policies governing libraries are developed with local trustees and community members; comparable policy decisions are made by school boards. Federal legislation like DOPA robs libraries and communities of local decision-making and control. Decisions about what is best for an individual community should be made by the community itself.

⁴ <http://www.bcps.org/offices/lis/>

DOPA would restrict access to technology in the communities that need public access most.

According to recent statistics from the U.S. Census Bureau the digital divide is large and does not appear to be shrinking. Currently, roughly one out of seven African Americans and only one out of eight Hispanics subscribe to broadband service at home. Meanwhile, 26.1% of whites and a full one third of Asians have broadband at home.⁵ Further, according to a Gates Foundation report on the role of libraries in Internet access, African Americans and Hispanics "rely exclusively on the library computer for Internet access to a greater degree than their white and Asian counterparts," with approximately a fifth of African American users and nearly 16% of Hispanic users exclusively relying on library-based computers. Also, nearly a third of those in the lowest income bracket who use library computers rely exclusively on them.⁶ These data indicate that public access computing in libraries is playing an important role in closing the digital divide.

Since DOPA, as presently drafted, would require libraries and schools receiving E-rate discounts through the Universal Service Program to block computer users from accessing Interactive Web applications of all kinds, opportunities for those who do not have Internet access at home would be further limited.

There is a great deal of research being conducted on young people and their use of the Internet and interactive applications. There is much to learn from this research about educating young people and helping them to safely use the Internet. For instance, research shows that use of the Internet, including interactive sites, leads to improved reading and other academic successes.

⁵ <http://www.census.gov/prod/2005pubs/p23-208.pdf>

⁶ *Toward Equality of Access: The Role of Public Libraries in Addressing the Digital Divide*. Pages 19-20. <http://www.gatesfoundation.org>.

Sadly, research reported by Bruce Bower indicates that "children most likely to benefit from home Internet access are the very children least likely to have [it]."⁷

The ALA would like to affirm the importance of online interaction and collaboration and the development of essential information literacy skills. We at ALA stand ready to work with you, to assure that our children are protected, educated, informed and made as safe as possible.

⁷ "Growing Up Online," *Science News*, Vol. 169 Issue 24, p376.